



RECA Internal Working Group

Comments on Code Diagnosis

June 30, 2014

Overview

The ten key findings in the diagnosis of Austin's current land development code are valid and accurate. We commend the work thus far and are generally pleased that these specific issues were identified. In our opinion, the primary goal for CodeNEXT is that it be a comprehensive rewrite of the current Code as outlined in the Council resolution. Some concerns we found with the Code Diagnosis include elements that were mentioned but ultimately unaddressed such as: compatibility standards, the redevelopment of underutilized buildings, the role of neighborhood plans, and the location of future mixed use development.

Competing Layers of Regulation

The second key issue outlined in the Code Diagnosis is "Competing Layers of Regulation." We agree that this is one of the most important issues to address in the rewrite, but the general overview of the competing layers is incomplete. Subdivision regulations, the Heritage Tree Ordinance, the Planned Unit Development Ordinance, the Waterfront Overlay, and Technical Manuals were not mentioned as "competing layers" even though each of these has a significant impact on land development.

Additionally, even though compatibility is mentioned, we believe that it needs to be tackled as a singular issue during the rewrite. Current compatibility standards should be reexamined before and during the city remapping process because it is not guaranteed that form-based zoning districts will solve the existing challenges with compatibility. Furthermore, Transit-Oriented Developments, Subchapter E, Subchapter F, and Regulating Plans are discussed, but it is unclear how each will be addressed in the rewrite.

Redevelopment, Rehabilitation, and Adaptive Reuse

Redevelopment, rehabilitation and adaptive reuse of underutilized buildings and sites should be encouraged, and the Code rewrite should consider the unique challenges and costs associated with these projects. Flexibility in design and site context should be considered. In many cases, the current Code inhibits creative and innovative

redevelopment due to compliance with onerous parking requirements, Subchapter E, the commercial landscape ordinance, the tree protection ordinance, water quality and detention requirements, etc. While this fact is mentioned in the diagnosis, it needs to be clarified and addressed in the rewrite.

Neighborhood Plans

Firstly, and perhaps most importantly, it is imperative that CodeNEXT clearly define “neighborhood plan.” “Neighborhood plans” could refer to the neighborhood plan policy documents, the regulating ordinances, or the future land use maps (FLUMs). These documents are different from one another and vary in the levels of impact on development.

Secondly, current neighborhood plans do not always align with the goals of Imagine Austin. Most neighborhood plans were written prior to the adoption of Imagine Austin and do not allow or encourage growth in an affordable, compact and connected way. Although neighborhoods need to be protected, we also need to adjust and adapt to the rapid growth that Austin is experiencing. CodeNEXT has the ability to respect the character of Austin’s neighborhoods while guiding growth in a dense, compact way; it is important that neighborhood plans are complementary, not contradictory to the new Code.

Finally, the role of neighborhood plans needs to be taken into consideration during the rewrite because many are decades-old. Plans need to evolve as communities evolve, therefore it would be appropriate to consider updating them to coexist with Imagine Austin and the new Code. When Austin is remapped, it is our suggestion that the new Code supersede all FLUMs. The rewrite is meant to be a comprehensive update to our current Code and FLUMs should not be an exception.

Mixed Use Development

Currently, many of our mixed-use commercial zones are strung along major transportation corridors with adjacent single family zoning. The Code Diagnosis is critical of current mixed use zoning, pointing out that density should be concentrated in nodes. This is a good idea in theory, but our concern is that Austin does not currently have many true commercial sector nodes. This criticism could therefore result in the downzoning of these mixed-use corridors between nodes and consequently discouraging multifamily development, which is greatly needed as Austin continues to experience rapid growth. The reduction of multifamily housing would be one negative effect of downzoning and could further exacerbate the affordability issues that Austin is facing.

Summary

In general, we are pleased that so many of the specific concerns with the development review process itself were identified in the diagnosis. We remain committed to the specific recommendations outlined in our RECA's stakeholder input report of January 14, 2014. Overall, we urge the code rewrite team to carefully analyze how the layers of regulations impact one another and take a balanced approach to implementing the concepts outlined in the Imagine Austin plan.